

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY DAVID MURPHY,

Petitioner,

Case Number: 97-76017

v.

HONORABLE AVERN COHN

FRANK ELO,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING APPLICATION FOR WRIT OF HABEAS CORPUS
AND DISMISSING CASE**

This is a habeas case under 28 U.S.C. § 2254. Petitioner Timothy David Murphy (Petitioner), a state prisoner convicted of two counts of first degree criminal sexual conduct, two counts of second degree criminal sexual conduct, one count of breaking and entering, and one count of unarmed robbery, claims that he is incarcerated in violation of his constitutional rights. The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge, in a thorough going analysis of Petitioner's claims, carefully considered all of them on the merits and recommends that the petition be denied. Before the Court are Petitioner's objections to the MJRR.

Having reviewed Petitioner's objections, the Court finds that the magistrate judge did not err in concluding that Petitioner is not entitled to habeas relief on any of his claims. All of Petitioner's objections were essentially addressed and rejected by the magistrate judge in the MJRR.

Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. Petitioner's application for writ of habeas corpus is DENIED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 27, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 27, 2005, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
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